

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Modification for Salinas Disposal, Transfer Station and Recycling Center
SWIS No. 27-AA-0053
October 31, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Monterey County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Modified Solid Waste Facilities Permit (SWFP) for Salinas Disposal Transfer Station and Recycling Center, located in the Monterey County, owned and operated by USA Waste of California, Inc. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on September 1, 2011. Another proposed permit was received on October 31, 2011. Action must be taken on this permit no later than December 30, 2011. If no action is taken by December 30, 2011, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2005) 27-AA-0053	Proposed Modified Permit 27-AA-0053
15. The following documents describe and/or restrict the operation of this facility:	Transfer Processing Report 9/05 Storm Water Pollution Prevention Plan 12/98 Monterey Bay Air Pollution Control District (MBUAPD) Permit No. 7531 2/96	Transfer Processing Report 6/11 Storm Water Pollution Prevention Plan 10/06 (MBUAPD) Permit No. 12965A 6/10

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated August 29, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on October 5, 2010, and provided a copy to the Department on October 14, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(3) Solid Waste Facilities Permit	CalRecycle received a proposed Modified Solid Waste Facilities Permit on October 30, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA, in their permit submittal package received on September 1, 2011, provided a finding that the facility is consistent with PRC 50001 and; Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the County Non-Disposal Facility Element, as described in the memorandum dated September 7, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on September 7, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on September 1, 2011 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The LEA posted a public notice dated June 30, 2011. No oral or written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed Modified Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on September 7, 2011. No violations were observed. Following are the details of the transfer station's compliance history based on the LEA's monthly inspection reports during the last five years.

In 2011, the LEA noted two violations of PRC 44014(b) - operator complies with terms and conditions of permit for exceeding maximum daily tonnage. The LEA also noted one violation of Title 14, section 17410.2-supervisors and personnel. In 2010, there were four violations of PRC 44014(b). In addition, there was one violation of each of the following; PRC 44004-significant change, 17408.6- maintenance program, 17409.1-roads, and 17407.5-hazardous, special and liquid wastes. All of the violations were corrected by the operator within two months of the date issued.

Environmental Analysis:

State Law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or, by determining that the proposal is categorically or statutorily exempt.

The LEA has made a finding that the proposed permit modification is consistent with and supported by existing CEQA analysis. In addition to an Environmental Impact Report (SCH# 2000021027) completed in 2002, an Addendum to the Environmental Impact Report (SCH# 2000021027) was completed in October, 2011, and adopted by the Monterey County LEA specifically for this project. The addendum supports a modification of the Solid Waste Facility Permit to allow the following activities; (1) a Garden Center selling landscape and finished compost materials, (2) utilizing building D for hand sorting of mixed recyclables, and (3) temporarily reducing hours that the facility is open to the public. The permit is also being updated to reflect current dates of the Transfer Processing Report, Storm Water Pollution Prevention Plan, and a new Air Pollution Control District Permit. The LEA determined that including references to these documents in the permit are ministerial and does not require environmental review. There will not be an increase in design capacity, operating hours or maximum daily tonnage.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of the Lead Agency for its consideration of the Permit.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the EIR certified by the lead agency, and the Addendum prepared by the operator and approved by the LEA for the CalRecycle concurrence and the LEA's approval of the project. Other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP are included in the administrative record. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

According to the 2010 census, the population of Census Tract 18 indicates that the surrounding population is approximately 81.3% white, 3.5% black or African American, 0.6% American Indian and Alaska Native, 0.3% Native Hawaiian and Other Pacific Islander, 10.6% Asian, 3.5% two or more races and 0.2% some other race. Of the total population in the Census Tract, 52.4% identify themselves as Hispanic or Latino. The median household income is \$49,362 and 8.3% of the families are below the poverty line. Staff has not identified any current environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Noticing and Comments:

The LEA posted a notice on their website of the acceptance of the Solid Waste Facility Permit Modification Application for Salinas Disposal, Transfer Station and Recycling Center. No public comments were received by the LEA or Department staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. The Department provided an

opportunity for public comment during the Monthly Public Meeting on September 20, 2011.